

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY MAY, *et al.*,

Plaintiffs,

Case No. 21-cv-10911
Hon. Matthew F. Leitman

v.

GREAT LAKES
WATER AUTHORITY, *et al.*,

Defendants.

/

**ORDER (1) TERMINATING DEFENDANTS' MOTIONS TO DISMISS
(ECF Nos. 16, 17) WITHOUT PREJUDICE AS MOOT AND (2)
ADJOURNING SCHEDULED MOTION HEARING**

On April 22, 2021, Plaintiffs Larry May and others and filed this action against several Defendants including Defendants Great Lakes Water Authority and AFSCME Local 2920. (*See* Compl., ECF No. 1.) Plaintiffs allege, among other things, that the Defendants violated federal and state laws arising out of Plaintiffs' employment. (*See id.*)

On August 16, 2021, AFSCME Local 290 filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 16.) Great Lakes Water filed its own motion to dismiss pursuant to Rule 12(b)(6) on August 18, 2021. (*See* Mot. to Dismiss, ECF No. 17.) The Court scheduled a hearing on the motions for March 8, 2022. (*See* Notice of Hearing, ECF No. 26.)

On February 16, 2022, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting Plaintiffs leave to file a First Amended Complaint in order to remedy the alleged deficiencies in their claims identified by the Defendants in the motions to dismiss. (*See Order*, ECF No. 27.) The Court informed the parties that if Plaintiffs decided to file a First Amended Complaint, it would terminate Defendants' motions to dismiss without prejudice. (*See id.*)

On February 18, 2022, Plaintiffs filed a notice with the Court that they intend to file a First Amended Complaint. (*See Notice*, ECF No. 28.) Accordingly, because Plaintiffs will be filing a First Amended Complaint, the Court (1) **TERMINATES** Defendants' motions to dismiss (ECF Nos. 16, 17) **WITHOUT PREJUDICE AS MOOT** and (2) **ADJOURNS** the previously-scheduled March 8, 2022, hearing on those motions. (*See Notice of Hearing*, ECF No. 26.) Plaintiffs shall file their First Amended Complaint by no later than **March 9, 2022**. Defendants shall answer or otherwise respond to the First Amended Complaint within 28 days of service of that pleading.

IT IS SO ORDERED.

Dated: February 22, 2022

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 22, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126